



Atty. Dkt. No. 040356-0589

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Akira FUJIKI et al.  
Title: FUEL CELL AND PRODUCTION OF FUEL CELL  
STACK  
Appl. No.: 10/579,907  
International 10/28/2004  
Filing Date:  
371(c) Date: 05/16/2007  
Examiner: Unassigned  
Art Unit: 1795  
Confirmation 6906  
Number:

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

**RELEVANCE OF EACH DOCUMENT**

In a counterpart German application, an Office Action dated February 11, 2008, was received by Applicants. According to an English translation of the German Office Action obtained by Applicants' representative, the German Patent Office made certain characterizations of the references. The disclosure of these characterizations should not be construed as an admission of or agreement to the opinions expressed in the German Office Action. A copy of the German Office Action and English language translation are attached herewith.

Applicants wish to advise the Examiner that documents JP 2003-086230, JP 8-7915 and JP 2001-236971, cited in the German Office Action, were previously provided in an Information Disclosure Statement dated May 19, 2006 and are not provided herewith.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

Date May 5, 2008

By Michael W. Kaminski

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